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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

JUN 30 2003

Federal Communications Commission
 Office of Secretary

In the Matter of)
)
 Amendment of Section 73.202(b))
 Table of Allotments)
 FM Broadcast Stations)
 (Clayton, Georgia and Sylva, North Carolina))

MM Docket No. _____

RM No. _____

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Sutton Radiocasting Corporation, the licensee of WRBN(FM), Clayton, Georgia, by its attorneys, pursuant to Sections 1.401 and 1.420(i) of the Commission's rules, hereby seeks the commencement of a rule making proceeding to amend the Table of Allotments for FM Broadcast Stations, 47 C.F.R. 73.202(b), to specify Channel 281A at Sylva, North Carolina as its second local transmission service in lieu of Clayton, Georgia, and to modify the facilities of WRBN(FM) to specify operation on Channel 281A at Sylva, North Carolina.^{1/} As shown in the attached *Technical Narrative*, this allotment may be made in compliance with the Commission's current separation and allocation requirements. In support whereof, the following is submitted:

1. Sutton Radiocasting Corporation requests that the FM Table of Allotments be amended as follows:

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 DATE 06/03/03
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^{1/} The proposed coordinates for Channel 281A at Sylva, North Carolina are 35° 19' 40" North Latitude and 83° 20' 11" West Longitude, a proposed transmitter site 11.24 kilometers southwest of the center of Sylva.

03-175

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Clayton, Georgia	281A	- - -
Sylva, North Carolina	- - -	281A

Subsequent to this modification, station WGHC(AM) will remain licensed to Clayton, Georgia.

2. The allotment of Channel 281A to Sylva, North Carolina is mutually exclusive with the presently licensed facilities of WRBN(FM) at Clayton, Georgia. See Technical Narrative. Accordingly, this proposed allotment is in accord with Section 1.420(i) of the Commission's rules.

3. The public interest will be served as the move will eliminate current grandfathered short-spacing between WRBN(FM) and WHLC(FM), Highlands, North Carolina. The proposed transmitter site for WRBN(FM) is fully spaced in accord with Section 73.207 of the Commission's rules.

4. Sylva, North Carolina is a community for allotment purposes. In addition to having licensed to it AM radio station WRGC(AM), Sylva is the county seat of Jackson County, North Carolina with a population of 2,435 persons (2000 U.S. Census). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 100 (1982) (requirement of an allotment to a community is generally satisfied if the community is either incorporated or listed in the U.S. Census). Sylva has a greater population than Clayton which has a population of 2,019 persons (2000 U.S. Census).

5. Sylva, North Carolina has a city manager form of government and provides its residents with fire and police service. The Jackson County school system provides the educational system for Sylva students. Sylva has a weekly newspaper, the Sylva Herald. Sylva

is the retail hub for Jackson County. Sylva has its own post office, chamber of commerce and library.

6. The largest employer within the corporate limits of Sylva is Westcare Hospital. The largest industry is Jackson Paper Company. Although not in Sylva proper, Western Carolina University at nearby Cullowhee; Southwestern Community College and the district headquarters of the North Carolina Highway Department all provide employment for Sylva residents. The city of Sylva operates on an annual budget of approximately \$1.6 million. Electrical service is provided by Duke Power Company; telephone service is provided by Verizon; and water service is provided by Tuckasegee Water and Sewer Authority.

7. The substitution of Sylva, North Carolina for Clayton, Georgia as WRBN(FM)'s community of license would result in a preferential arrangement of allotments, pursuant to Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982); Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989). The substitution would provide the larger community of Sylva, North Carolina with its second local aural transmission service (fulfilling the Commission's third priority for FM allocations), while Clayton, Georgia continues to receive local service from WGHC(AM) as well as reception service from a number of other nearby stations.

8. The proposed allocation site will provide a 70 dBu service to all of Sylva, and 60 dBu service to an area of 2514.3 square kilometers which includes a 2000 Census population of 68,274 persons. The Sylva allotment will result in a gain of population served of 31,429 persons.

All loss areas are served by five or more stations. See Technical Narrative. Thus, the objectives of 47 U.S.C. 307(b) would be served by a change in the community of license for Channel 281A from Clayton, Georgia to Sylva, North Carolina.


9. Sutton Radiocasting Corporation hereby certifies that it has a present intention to apply for the new channel when allotted, and when authorized will modify the facilities promptly and commence operation on Channel 281A at Sylva, North Carolina.

WHEREFORE, for the foregoing reasons, it is respectfully requested that the Commission commence a rule making proceeding to reallocate Channel 281A from Clayton, Georgia to Sylva, North Carolina, and to modify the license of WRBN(FM) to specify operation on Channel 281A at Sylva, North Carolina.

Respectfully submitted,

SUTTON RADIOCASTING CORPORATION

By: _____


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Its Attorney

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June 30, 2003

**Petition for Rule Making
Sutton Radiocasting Corporation
Has 281A – Clayton, Georgia
Req: 281A – Sylva, North Carolina
June 2003**

Technical Narrative

This Petition for Rule Making is filed by Sutton Radiocasting Corporation, licensee of WRBN (FM), 281A, Clayton, Georgia. Sutton wishes to change the city of license from Clayton, Georgia to Sylva, North Carolina and have WRBN (FM) be specified to operate at Sylva.

This proposed change of city of license can be done in compliance with the spacing rules of Section 73.207 from the allocation reference coordinates of 35° 19' 40" North Latitude and 83° 20' 11" West Longitude. This site is 11.24 KM at a 243.1° azimuth from the listed Sylva coordinates. This site also provides a line of site path to Sylva. Sylva is entirely within the 16.1 KM uniform terrain city grade contour when drawn from the allocation reference (See Exhibit 1).

Exhibit 1A is the Spacing Study indicating Section 73.207 compliance. WRBN (FM) currently is not in compliance with 73.207 in that it operates with a grandfathered short space to second adjacent WHLC, Highlands, North Carolina. Both WHLC and WRBN (FM) operate under an agreement of mutual concurrence that agrees to accept any interference that might occur in this short

space situation. This proposal cures the grandfathered short space. This proposal is also mutually exclusive with the licensed WRBN (FM).

Sylva has a 2000 Census population of 2,435 persons. It is located in Jackson County, North Carolina which has 33,121 persons. This is greater than Clayton with its population of 2,019. Clayton is in Rabun County, Georgia which has a population of 15,050.

Assuming the uniform terrain 60 dBu contour from the proposed allotment reference, the following comparisons are made to the present WRBN licensed 60 dBu contour:

	Population	Area
Sylva (Proposed)	68,274 Persons	2,514.3 Sq Km
WRBN (Licensed)	36,845	2,518.8

Although the present and proposed 60 dBu areas are substantially different, there is a 142.03 Sq Km area that is common to both. Other than this common area, there is a gain area of 2,272.27 Sq Km for the Sylva proposal and a loss area of 2,376.83 for Clayton. Exhibit 2 is the depiction of the gain and loss areas.

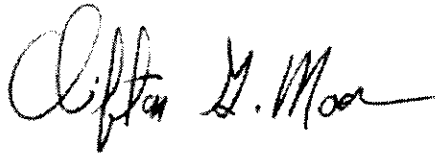
The loss area was examined for the number of other services that would continue to be present after the proposed move. Using the 60 dBu contour for

FM stations and the 0.5 mV/m contour for AM stations in rural areas and 2.0 mV/m for AM stations in urban areas, the entire loss area is served by five or more AM or FM services.

In summary, the following change to Section 73.202, The FM Table of Allotments, as follows:

City	Present	Proposed
Clayton, GA	281A	None
Sylva, NC	None	281A

All information contained herein is thought to be true and correct to the knowledge of the undersigned.



Clifton G. Moor
Bromo Communications, Inc.

June 27, 2003

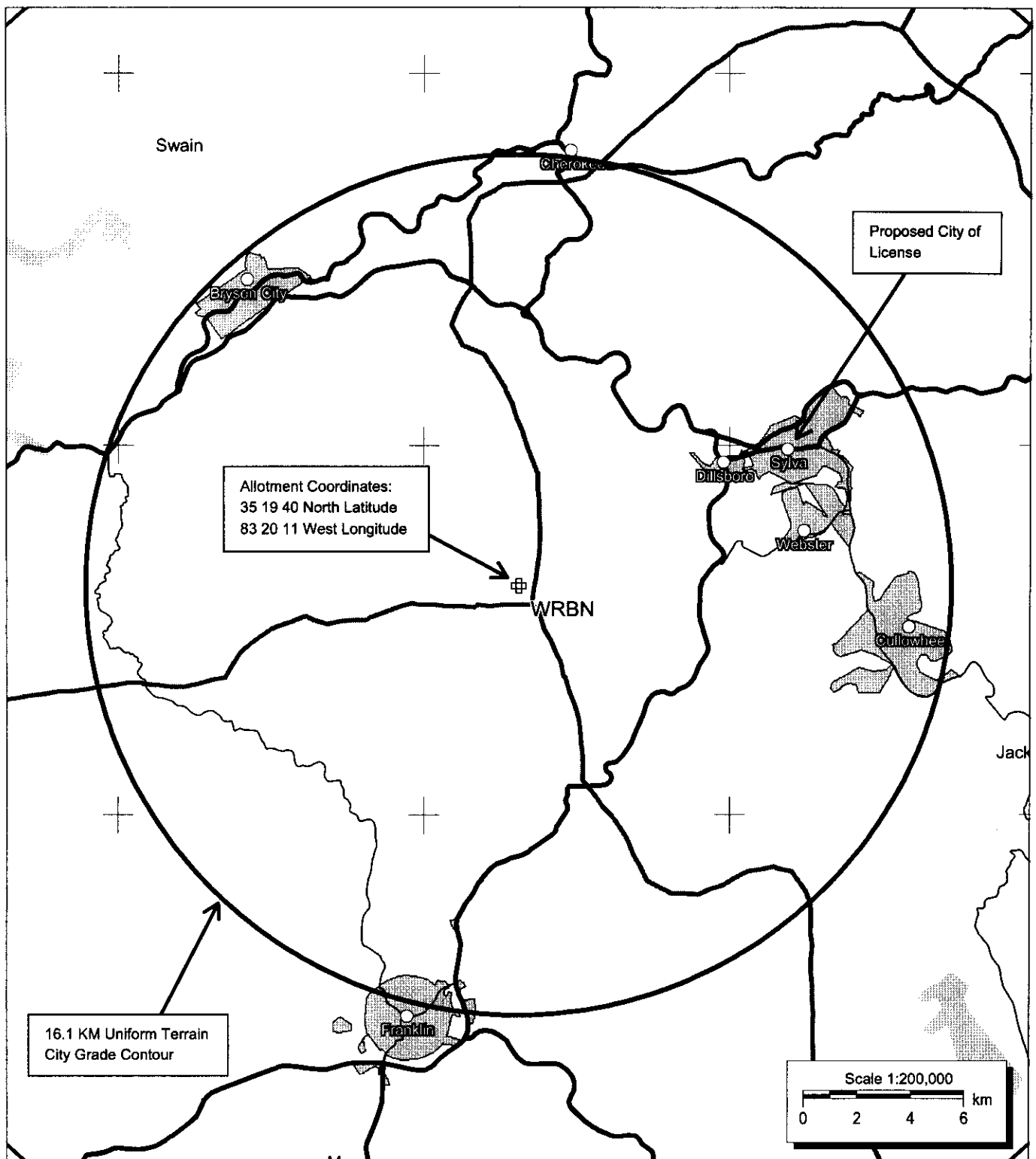


Exhibit 1
Sutton Radiocasting Corp.
Has: 281 A - Clayton, GA
Req: 281 A - Sylva, NC

Bromo Communications, Inc.
Atlanta, Georgia
June 2003

EXHIBIT 1A

Searching at Allotment Coordinates
Sylva, North Carolina

REFERENCE	CLASS = A	DISPLAY DATES
35 19 40 N	Current	DATA 06-21-03
83 20 11 W	Spacings	SEARCH 06-27-03
----- Channel 281 - 104.1 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Ant	Power	HAAT		
RADD	ADD 281A	Webster	NC	0.00	0.0	115.0 -115.00
35 19 40	83 20 11		6.000 kW	100 M		
RDEL	DEL 281A	Clayton	GA	47.27	188.8	115.0 -67.73
34 54 24	83 24 56		6.000 kW	100 M		
WRBN	LIC-N 281A	Clayton	GA	47.27	188.8	115.0 -67.73
34 54 24	83 24 56	NCX	0.370 kW	395 M		
		Sutton Radiocasting Corpor	BMLH20021011ABP			
WIMZFM	LIC 278C	Knoxville	TN	96.21	338.8	95.0 1.21
36 08 06	83 43 29	CY	100.000 kW	525 M		
		South Central Comm., Corp.	BMLH19890601KB			
WHLC	LIC 283A	Highlands	NC	32.65	155.0	31.0 1.65
35 03 40	83 11 05	C	0.460 kW	353 M		
		Charisma Radio Corp.	BLH19990302KF			
RADD	ADD 282A	Fletcher	NC	75.90	71.5	72.0 3.90
35 32 28	82 32 32		6.000 kW	100 M		
WCLEFM	APP-Z 281A	Calhoun	TN	129.13	272.3	115.0 14.13
35 21 55	84 45 22	ZCX	6.000 kW	100 M		
		Williams Communications, I	BPH20021011ABN			
WCLEFM	APP-Z 281A	Calhoun	TN	129.13	272.3	115.0 14.13
35 21 55	84 45 22	ZCX	6.000 kW	100 M		
		Williams Communications, I	BPH20021011ABN			
WOLI	LIC 280A	Easley	SC	91.58	126.2	72.0 19.58
34 50 21	82 31 37	CN	6.000 kW	100 M		
		Entercom Greenville Licens	BLH19860613KC			
WCLEFM	LIC 281A	Calhoun	TN	136.91	267.6	115.0 21.91
35 15 59	84 50 23	CN	2.300 kW	159 M		
		Williams Communications, I	BLH19970129KC			

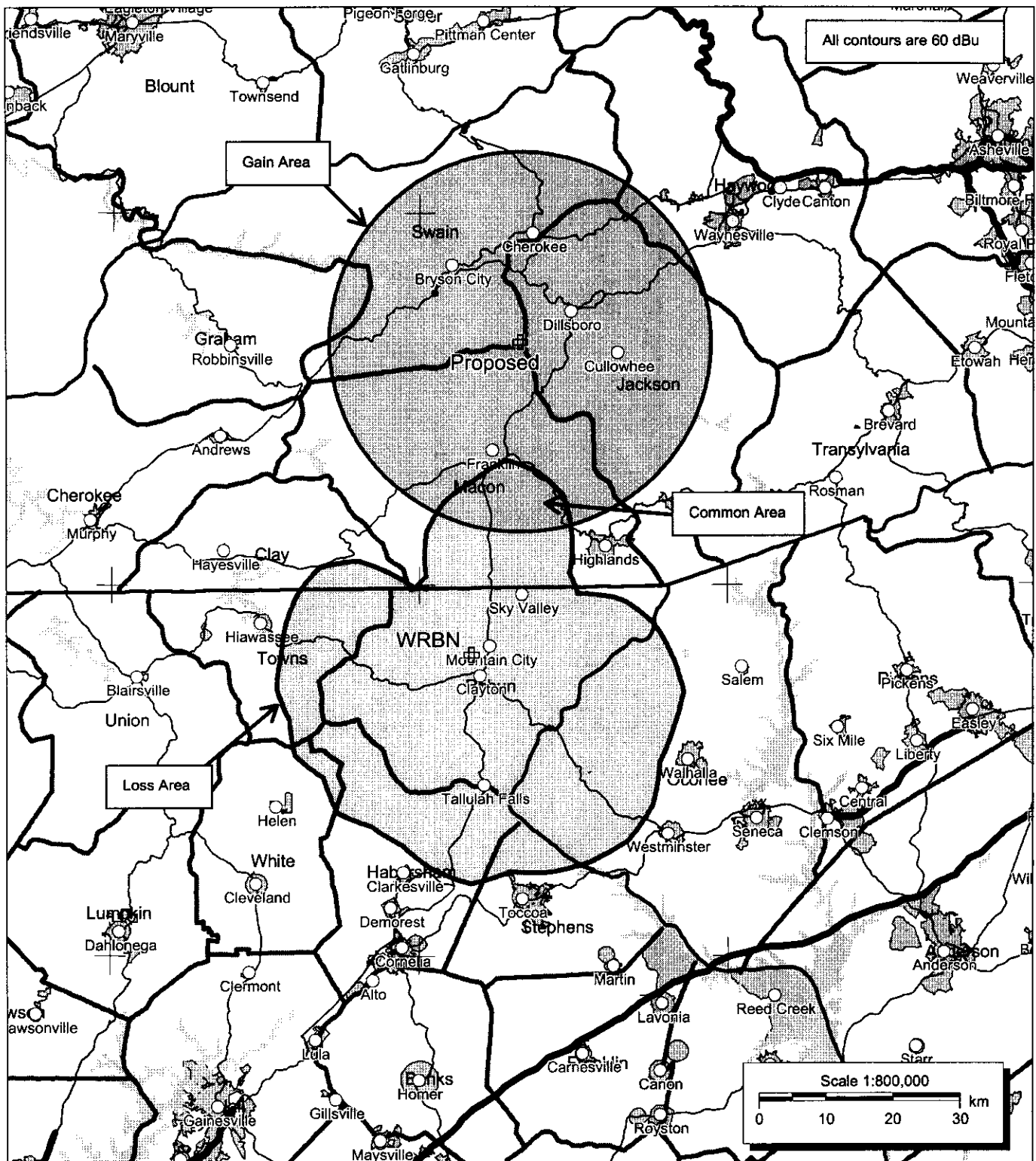


Exhibit 2
Sutton Radiocasting Corp.
 Has: 281 A - Clayton, GA
 Req: 281 A - Sylva, NC

Bromo Communications, Inc.
 Atlanta, Georgia
 June 2003